

### **REMARKS**

The above Amendment and the following remarks are responsive to the Office Action dated October 29, 2004. The Applicant requests entry of this Amendment, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

#### **Status of the Claims**

Upon entry of this Amendment, the Applicant has rewritten claims 1, 4 and 5, and canceled claims 2, 3 and 7. Thus, claims 1 and 4–6 are pending in the application. Claim 1 is an independent claim.

#### **Correction of Minor Typographical Errors**

The Applicant amended paragraph 0032 of the specification to correct a minor typographical error discovered during a review of the specification. Since this amendment to the specification merely corrects a typographical error to remove a duplication of element 31 in Figure 4 and Figure 10, the Applicant does not believe that this amendment constitutes new matter.

#### **Response to the Rejections under 35 U.S.C. § 102(e)**

The Examiner rejected claim 13–22 under 35 U.S.C. § 102(b) as being anticipated by Nitzberg et al., United States Patent Number 4,800,913 (hereinafter “Nitzberg”). The Applicant respectfully traverses this rejection.

#### ***Presently Claimed Invention***

Anticipation requires that each and every element of the claims must be present in the cited reference. As amended, the claims are not anticipated by Nitzberg.

Nitzberg describes a swivel joint and quick disconnect coupling device for a fuel supply line. Independent claim 1, as amended, describes the components of a breakaway assembly for a

**AMENDMENTS TO THE DRAWINGS**

Exhibit A includes one (1) sheet of replacement drawings (Figures 9-14). The replacement drawings are formal figures. Please submit this sheet of replacement drawings for sheet number three (3) in the drawings as originally filed.

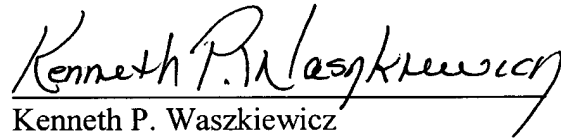
fuel dispenser in the present invention. The breakaway section of the breakaway assembly comprises a ball standoff positioned inside the breakaway section. The spring in the valve section of the breakaway assembly is disposed to apply force to the ball seal in the direction of the ball seat and against the ball standoff. The ball standoff prevents the ball seal from completely sealing off fuel flow through the breakaway assembly until the breakaway section is separated from the valve section. Nitzberg does not describe a ball standoff positioned inside the breakaway section. Nitzberg, in fact, discloses a piston-valve assembly rather than the ball seal and standoff structure in the present application. Thus, the Applicant respectfully submits that the Examiner should withdraw this anticipation rejection as to independent claim 1.

Claims 4, 5 and 7 depend from independent claim 1. For the previously stated reasons, independent claim 1 is allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicant respectfully submits that the Examiner should also withdraw this anticipation rejection as to dependent claims 4, 5 and 7.

**AUTHORIZATION**

The undersigned hereby authorizes the Commissioner to charge all required fees, fees  
under 37 C.F.R. §§ 1.16 and 1.17, or all required extension of time fees for this paper to Deposit  
Account Number 08-2025.

Respectfully submitted,  
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Dated: March 28, 2005